

STATE OF IDAHO,
County of Boise

Dennis Rich being
duly sworn, deposes and says:
that he is the manager and prin-
cipal clerk of THE IDAHO
WORLD, a weekly newspaper
published at Idaho City, in the
County of Boise and State of Ida-
ho; that said paper has been and
is in general circulation in the
county aforesaid, and in the vi-
cinity of Idaho City; that the
advertisement, a copy of which is
hereto attached, was published in
said newspaper once a week for

2 consecutive weeks in
the entire and regular issue of
every number of said paper dur-
ing the period and time of publi-
cation and was published in the
newspaper and not a supplement;
that said paper has been estab-
lished and regularly and continu-
ously published for more than
seventy-eight weeks past previ-
ous to the first publication of
this notice. Such notice was pub-
lished in the issue beginning with

Sept. 2, 197*7* and end-
ing with the issue of *Sept. 9*

197*7*

Subscribed and sworn to before
me this *12th* day of *Sept.*, 197*7*

Robert J. Taffel
Clerk of Dist Court.

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 63-4554**

Notice is hereby given that Joe
&/or Arlene Schoener Idaho City,
Idaho has filed a claim to a water right
established by diversion and appli-
cation to beneficial use of 0.24 cubic
feet per second of water from a
groundwater source with the point of
diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 33
T6N-R5E B.M., Boise County.

The water is claimed to be used
from January 1 to December 31 for
domestic purposes and from April 1
to October 31 for irrigation of 16 acres
with a priority date of 1951; the place
of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec
33 T6N-R5E B.M..

Any exception to this claim of water
right may be filed with the Director
of the Idaho Department of Water
Resources, 92 South Cole Road,
Boise, Idaho, 83705.

C. STEPHEN ALLRED
Director

Published in THE IDAHO WORLD,
Idaho City, Idaho on September 2,
1977 and September 9, 1977.

R.W.H.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Joe Schoener &/or Arlene Schoener
(name of claimant)
of Idaho City, Idaho 83631, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) _____
groundwater _____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|----------------------|-----|-------------------------------|---------------------|------------|----|------------------------|
| Amount | <u>0.20</u> | Use | <u>irrigation</u> | Period of Use: From | <u>4-1</u> | To | <u>10-31</u> |
| Amount | <u>0.04</u> | Use | <u>domestic</u> | Period of Use: From | <u>1-1</u> | To | <u>12-31</u> |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.24 cubic feet per second, or _____ acre feet
per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1951

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 33 Twp. 6N Rge. 5E B. M. County of Boise
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. _____
15 feet perforated culvert with submersible pump

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

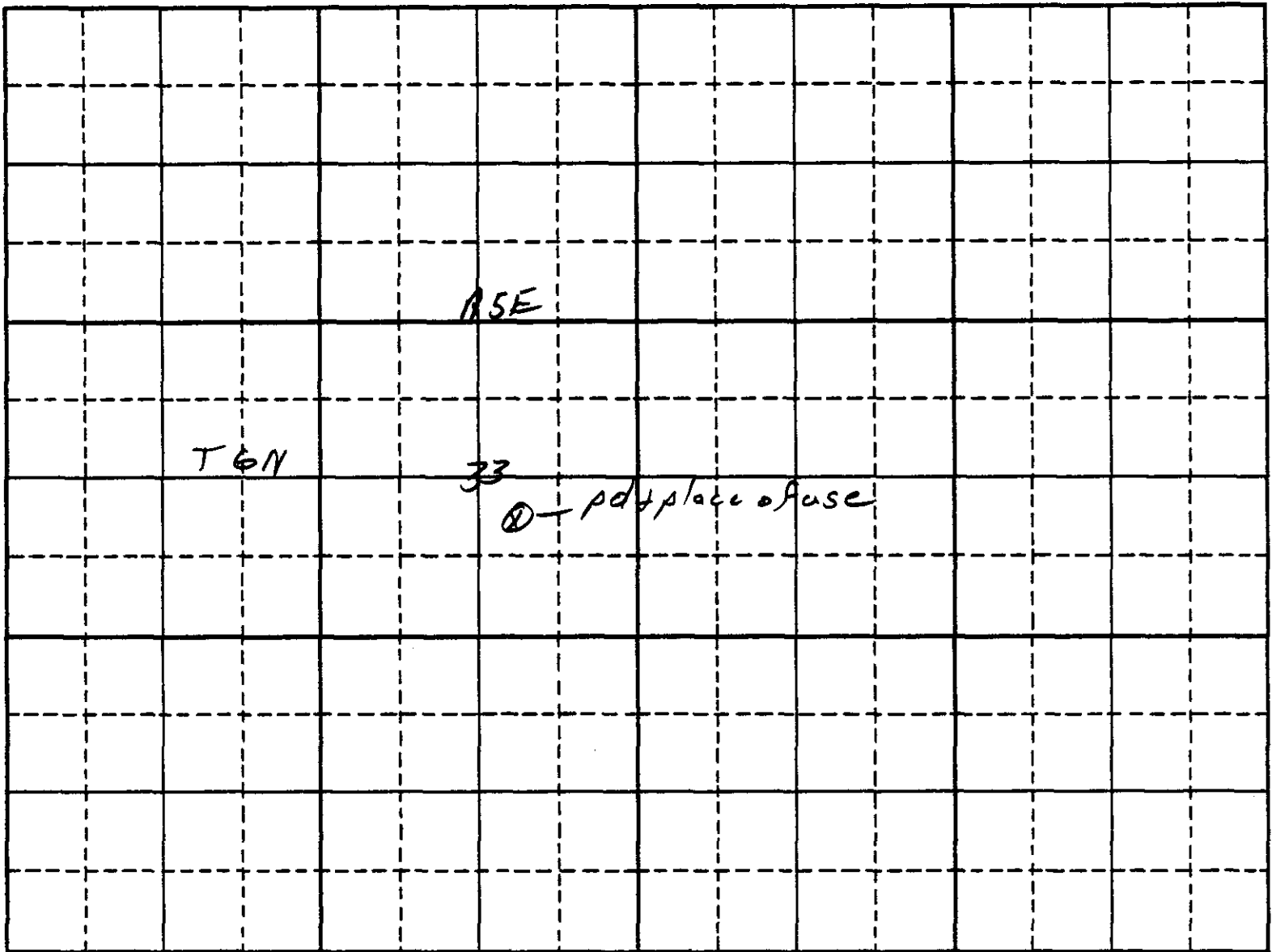
[illegible]

Total No. of acres 16

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____
domestic for one house

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 24th day of August, 19 77.

[Signature]
(Claimant)
[Signature]
Notary Public
Residing at Boise, Idaho

My commission expires March 8, 1980

For Department Use Only

Received by <u>G/S</u>	Date <u>8/24/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>G/S</u>	Date <u>8/24/77</u>		claimant by:	
\$10.00 fee received by <u>G/S</u>	Date <u>8/24/77</u>	# <u>8841</u>		
Approved for publication by _____				
Published in _____				
Dates _____				

AFFIDAVIT

IN THE MATTER OF WATER RIGHTS OF

JOSEPH SCHOENER

SS.

STATE OF IDAHO

County of Canyon

SS.

ARIEL L. CROWLEY, being first duly sworn deposes and says:

That he and his wife Daveda L. Crowley acquired the tract of land commonly called "Pinetop" in Section 33, Township 5 North, Range 6 E. B. M., in Boise County, Idaho, in the year 1951 by contract of purchase from the Whitten family, former owners thereof, and subsequently acquired additional lands adjoining the said Pinetop Tract, and extending to State Highway 21.

The Pinetop water rights, (Idaho State Permit 23547) could not, by reason of topography (the exceedingly steep 300' bluff) be utilized upon the lower lands toward Highway 21. After careful search for water on the land at the lower level, and in the year 1952, I discovered the spring at the base of the hill and close to or within the boundaries of Tax Lot 42, now occupied by Joseph Schoener and his wife, which Lot 42, in Section 33, Township 5 North, Range 6 EBM, was a portion of the Pinetop tract reserved by me when I sold the same.

Previous to this discovery, I entered into a contract with John Cowe, well driller, of Boise, Idaho, on 26 November 1951, to drill a well for me at the foot of the mountain in Lot 6, Section 33 aforesaid, close to the site of the present Joseph Schoener well, and pursuant to that contract he drilled a deep well for me, casing the same with 8" casing. Water was struck at the depth of the buried forest at that point, but the same was foul and unusable. I believe the casing is still in the hole. A duplicate original of the said contract is attached hereto and made part hereof.

The well-drilling proving unsatisfactory the search which produced the find of water close to the site of the Joseph Schoener well was made. Upon finding the seepage, I used a sand point and drove a rod deep into the mountain base, horizontally, and then replaced the same with a pipe, through which the flow of water passed. Thereafter I resided for a time on the site of the present Joe Schoener house, and from the date of driving the pipe into the mountain to the present time, to the best of my knowledge, the flow has never been interrupted. It was necessary at times, to clear the pipe by use of a long rod, and this I did repeatedly.

Mr. Schoener, desiring more water than was flowing from the pipe, and certain persons associated with him, thereafter established the present Sahoener pumping site, which lies close to the pipe and upon a part of the same seepage structure. That particular outcropping of water I also discovered, and dug the site out by hand and rocked it up at the same time I drove the pipe into the base of the hill, and used the same for water other than for drinking, being less certain of its purity than that of the water taken by pipe.

Ariel L. Crowley
ARIEL L. CROWLEY

Subscribed and sworn to before me August 22, 1977.

Patricia A. Scott
Notary Public
Boise, Idaho

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT, Made and entered into by and between Ariel L. Crowley, of Boise, Idaho, first party, and John Cowe of Boise, Idaho, second party, this 26th day of November, 1951,

WITNESSETH:

In consideration of the work to be done and the payments to be made as herein required, it is stipulated between the parties as follows:

1. The first party employs the second party hereby as an independent contractor, to drill a well for the purpose of procuring a flow of hot water, at such point at the foot of the mountain in Lot 6, Section 33, Township 6 North, Range 5 East as the parties shall mutually designate on the ground.

2. The second party shall furnish all labor, casing, machinery, tools, power and all other items necessary to complete the drilling and casing of the said well.

3. The first party shall pay for the said well as follows:

\$9.00 per foot for the depth of the well in which it is necessary to use 8 inch casing;

\$6.00 per foot for the depth of the well in which 6 inch casing is used.

It is understood that 8 inch casing will be used through the overburden to the depth that the second party shall deem essential for the protection of the well, and that in event the well brings in an adequate flow of hot water, the 6 inch casing may be extended to the top of the well inside the 8 inch casing, in which event the first party shall pay, in addition to the above sums, the actual cost of the 6 inch casing left inside the 8 inch casing.

The first party shall pay in addition to the above sums the cost of an 8 inch shoe to be used in driving the 8 inch casing.

4. It is agreed that the first party shall pay, to cover the cost of transportation of machinery and pipe to the well site, the sum of \$200.00, and that the said sum shall be the minimum payable hereunder; the said sum shall, however, be absorbed as the drilling progresses at the footage rates above set forth, and be credited upon the total charges when the aggregate footage shall exceed such sum.

RECORDED
INDEXED
NOV 27 1951
IDAHO DEPT. OF REVENUE

5. The first party shall have the right to terminate the drilling when in his judgment the well shall have been drilled to the point at which he feels it is not economically desirable to proceed, subject to the minimum requirement above set forth and to payment for the footage drilled.

6. The second party shall discharge all claims for wages, insurance, social security, withholding taxes and all other incidental expenses of the drilling operation, it being specifically understood that the first party is the purchaser of the services of the second party on contract and not as an employee for whom the first party is in any way responsible under the workmen's compensation act or any social security or employment security law.

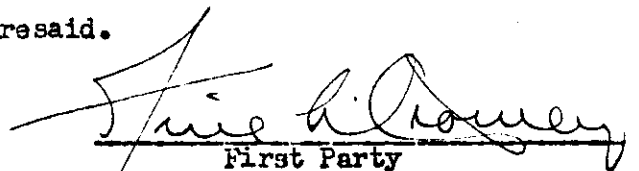
7. The second party shall drill the said well in conformity with standard drilling practices, and shall give the first party frequent and continual reports of progress, including reports of temperature changes and water flows, and type of material encountered in the drilling operation; and the first party shall be the sole judge of when the well shall be deemed to have failed, for the purpose of stopping drilling. When an adequate flow of water of sufficiently high temperature shall have been reached, the drilling shall not proceed further except upon instruction of the first party.

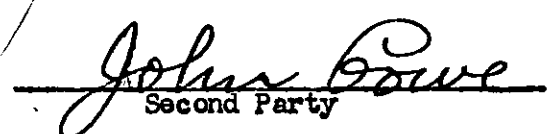
8. It is understood that the rate of absorption of the initial guaranty sum of \$200.00 under the footage rate above set forth shall be limited to work done, and the absorption shall not be complete until the depth reached shall be 40 feet.

9. It is understood that the footage rates include the price of the casing, installed with suitable couplings, and the well capped at conclusion of work.

10. Operations shall commence upon the said well drilling within one week after execution of this instrument, and shall be prosecuted with diligence, it being recognized that elements of weather and unforeseen obstacles may interfere.

Witness our hands, the day and year aforesaid.


First Party


Second Party

STATE OF IDAHO,
County of Boise

Hanna Neesh being
duly sworn, deposes and says:
that he is the manager and prin-
cipal clerk of THE IDAHO
WORLD, a weekly newspaper
published at Idaho City, in the
County of Boise and State of Ida-
ho; that said paper has been and
is in general circulation in the
county aforesaid, and in the vi-
cinity of Idaho City; that the
advertisement, a copy of which is
hereto attached, was published in
said newspaper once a week for

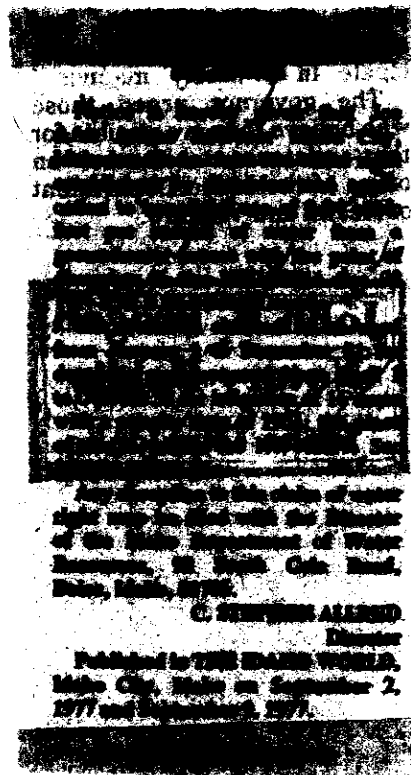
2 consecutive weeks in
the entire and regular issue of
every number of said paper dur-
ing the period and time of publi-
cation and was published in the
newspaper and not a supplement;
that said paper has been estab-
lished and regularly and continu-
ously published for more than
seventy-eight weeks past previ-
ous to the first publication of
this notice. Such notice was pub-
lished in the issue beginning with

Sept. 2, 1977 and end-
ing with the issue of Sept. 9

1977
Hanna Neesh

Subscribed and sworn to before
me this 12th day of Sept., 1977

Robert T. Tuffield
Clerk of Dist Court.



WATER RIGHT NUMBER 63-4554

WATER RIGHTS EDIT REPORT

12/13/79

PAGE 174

ACT
ION

N OWNER LAST NAME - SCHOENER

FIRST NAME - JOE

N OWNER LAST NAME - SCHOENER

FIRST NAME - ARLENE

N

CITY - IDAHO CITY

STATE - ID ZIP CODE - 83631

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 06-01-1951 COUNTY - BOISE

TOTAL DIV. RATE -

.2400CFS

N DIVERSION POINT - NWSE 33 06N 05E

N FROM - 04-01 TO - 10-31 USE - IRRIGATION

USE DIV. RATE - .2000CFS

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0400CFS

N USE - IRRIGATION

PLACE OF USE - TWN 06N RNG 05E SEC 33 TRACT NWSE

AC 16

3/79

IDENT. NO. 63-4554

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 63-4554
OTd No. New No.

Record

1. Original Owner: Joe & Aileen Schoener

Present Owner: _____

2. Address:

3. City: Idaho City State: ID Zip: 834314. A. Source of Water: GW

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): A

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1951D. County: 15E. Total Diversion Rate: .24

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWSE</u>	<u>33</u>	<u>6N</u>	<u>5E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from	<u>4-1</u>	to	<u>10-31</u>	for	<u>A</u>	purposes.	Amount	<u>.2</u>
							(cfs or ~~AC~~ FT/yr)	
from	<u>1-1</u>	to	<u>12-31</u>	for	<u>D</u>	purposes.	Amount	<u>.04</u>
from		to		for		purposes.	Amount	
from		to		for		purposes.	Amount	
from		to		for		purposes.	Amount	
from		to		for		purposes.	Amount	
from		to		for		purposes.	Amount	

CJA 11-8-79

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 63-

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

☐ Pre-permit exam
☐ Adjudication Claim
☐ Dam Construction
☐ Papers Sent

(1) CLS 8/29/77

In form to receipt

(2) _____

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) _____

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant
☐ Request Dam Safety Information

(4) CLS 8/29/77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) rf CK

Affidavit of Publication received(date) 9-20-77

(12) _____

Final date for protests N/A

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

☐ Proposed Priority

☐ Reason for Reduction _____

☐ Measuring device required

☐ See attached sheet for other conditions of approval

☐ No special conditions for approval

(15) District W

By THA

Date 9-20-77



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

September 21, 1977

Re: Claim to a Water Right No. 63-4554

Joe &/or Arlene Schoener
Idaho City,
Idaho 83631

Dear Mr. & Mrs. Schoener:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

August 26, 1977

Re: See attached sheet

The Idaho World
P. O. Box 220
Idaho City, ID 83631

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before September 19, 1977.

Sincerely,

3
RITA FLECK
Secretary

Bill submitted
9-20-77
y

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

63-4523 John &/or Gail McGavin

NOTICE OF CLAIM TO A WATER RIGHT

63-4554 Joe &/or Arlene Schoener

NOTICE OF APPLICATION FOR WATER RIGHTS

65-7929 Aileen F. W. Brattin Keys

65-7931 Charles C. Self

65-7934 Leander H. &/or Hilda L. Konzem

65-7935 Vauda Bortles

65-7936 Ivy E. &/or Reola M. Smith

65-7937 Cele N. Danzer

65-7938 Hope S. Miller

65-7939 James E. &/or Beverly J. Riley

65-7940 Doil W. &/or Karma D. Clark

65-7941 Lory Van Matre

65-7944 J. D. &/or Martha Branson

NOTICE OF CLAIM TO A WATER RIGHT

NO. 63-4554

Notice is hereby given that JOE &/or ~~XX~~ ARLENE SCHOENER
Idaho City, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 0.24 cubic feet per second ~~XXXXXX~~ of water
from a groundwater source
with the point of diversion in the NW~~1~~SE~~1~~ Sec 33 T6N-R5E B.M.,
Boise County.

The water is claimed to be used from Jan 1 to Dec 31
for domestic purposes and from Apr 1 to Oct 31
for irrigation of 16 acres
with a priority date of 1951 ;
the place of use is within the NW~~1~~SE~~1~~ Sec 33 T6N-R5E B.M.,

Any exception to this claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705.

C. STEPHEN ALLRED

Director

Published in the Idaho World, Idaho City, Idaho
on September 2, 1977 and September 9, 1977.